IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE SIXTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE C.V.RAMULU

WRIT PETITION NO : 27049 of 1998

Between:

P.T. Sesha Sai, S/O.P.T.Venkateswarlu,
Door No.12/674, O.D.Nagar,
Anantapur.

..... PETITIONER

AND

1. The A.P.S.E.B., Represented by its Member Secretary,
   Vidyut Soudha, Khairatabad, Hyderabad.
2. The Superintending Engineer(Operations) A.P.S.E.B.,
   Anantapur.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ or order or direction more particularly one in the nature of *Writ of Mandamus* compelling the respondents to consider the candidature of the petitioner for absorption in any suitable post in view of the instructions of the 1st respondent from time to time and consequential issuance of the letter dated 07.9.1998 by the 2nd respondent as illegal, improper and void.

Counsel for the Petitioner: MR. P.V.S.S. RAMARAO

Counsel for the Respondents: MR. SAMINENI KISHORE (SC FOR

A.P.S.E.B.)

The Court made the following:

ORDER:

This writ petition is filed by the petitioner seeking Mandamus directing the respondents to consider the candidature of the petitioner for absorption in any suitable post in view of the instructions given by the first respondent from time to time and further to declare the letter dated 07.09.1998 of the second respondent as illegal and arbitrary.

2. The case of the petitioner is that he worked as casual labour for more than hundred days under the control of the second respondent. In fact, the first respondent issued Memo No.OSD/IP/DM-1/P-3/1138/85-1 dated 26.08.1985 showing the number of man-days required against each category for consideration of appointment in the A.P. State Electricity Board. The ex-casual labour, who have worked for less number of days than those indicated, are not considered for appointment. It is asserted by the petitioner that he worked for more than 100 days and he studied up to SSLC, and as per the above said memo, he is also eligible for absorption, as per the terms and conditions of BPMS No.36 dated 18.05.1997, for filling up 50 percent of the existing vacancies in initial recruitment cadre. Earlier, the petitioner approached this Court by way of filing a writ petition and in view of the orders passed therein by this Court, the petitioner was called for interview on 10.04.1998 and the petitioner faced the interview successfully in all events including pole climbing. However, his pole climbing was slow because of his ill health. Therefore, the respondents concluded that the petitioner failed in the climbing test and as such, the respondents rejected the candidature of the petitioner through a letter vide Lr.No.PO/ADMN/S3/1813/98, Dated 07.09.1998. According to the petitioner, the impugned proceedings dated 07.09.1998 disqualifying him for being appointed in any suitable post as per the terms and conditions of the B.P.M.S.No.36, dated 18.05.1997 is arbitrary and illegal.

2. The respondents filed a detailed counter affidavit denying the allegations made by the petitioner. It is asserted in the counter that it is not true to say that the petitioner is eligible for absorption in any other post like attender, watchman etc., since the posts of attender and watchman are not notified in

B.P.Ms.No.36, dated 18.05.1997. Further, the petitioner did not possess the requisite qualification for the posts of LDC/R.C./Typist since he is only a Matriculate where as the minimum educational qualification for LDC/R.C./Typist is graduation with typewriting Lower Grade. As per B.P.Ms.No.36, dated 18.05.1997, the man-days service rendered by the petitioner as casual worker enables the candidature of the petitioner for consideration to the post of Junior Lineman, but not other posts like L.D.C./R.C./Typist. The candidature of the petitioner along with others for the post of Junior Line man is subject to passing of pole climbing test. Since his case was to be considered only for being absorbed for the post of junior lineman, unfortunately, the petitioner failed in the pole-climbing test, and as such, the writ petition is devoid of merits and it is liable to be dismissed.

3. In the light of the above averments made by the respondents in the counter affidavit, it cannot be said that there is any illegality or infirmity committed by the respondents in passing the impugned proceedings requiring the interference of this Court under Article 226 of Constitution of India.

4. Be that as it may, it is the case of the petitioner that in case of similarly situated persons, when approached this Court, this Court directed to reconsider the candidature for being absorbed in any other suitable post, if they are otherwise eligible.

5. In view of the same, I deem it appropriate to direct the respondents to reconsider the case of the petitioner for absorption against any suitable post including the Junior Line Man in the existing vacancy or in the future vacancies as per law.

6. With the above direction, this writ petition is disposed of. No order as to costs.

_____

(C.V. RAMULU, J)

Date: 06.07.2005.

Ksn

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The Member Secretary, A.P. State Electricity Board,

Vidyut Soudha, Khairatabad, Hyderabad.
2. The Superintending Engineer (Operations) A.P.S.E.B.,
   Anantapur.

3. 2 CD copies

*Form-NIC-OGS/WP{**GSNM**}*